

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
 Awasthi *et al.*) Art Unit: 1615
)
 U.S. Application No. 10/525,892) Examiner: Maewall, Snigdha
)
 Filing Date: May 16, 2005) Confirmation No. 8484
)
 For: NEUTRAL LIPOSOME-ENCAPSULATED)
 COMPOUNDS AND METHODS OF)
 MAKING AND USING THEREOF)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
December 13, 2007

Sir:

This paper is in Response to the Restriction Requirement mailed October 18, 2007. In the Restriction Requirement, the Examiner set a one-month period in which to reply, *i.e.*, by November 18, 2007. Accordingly, enclosed with this Response is a Request for a One-Month Extension of Time, which extends the due date to December 18, 2007. This paper is therefore timely.

In the Restriction Requirement, the Examiner restricted the application and required an election of one of following six groups.

- Group I: Claims 1-27, drawn to a neutral liposome an encapsulated compound;
- Group II: Claim 28, drawn to a pharmaceutical composition comprising liposome and a carrier;
- Group III: Claims 29-34, drawn to a method of preparing a liposome;
- Group IV: Claim 35, drawn to a method of treating or preventing a disease;
- Group V: Claim 36, drawn to a method from screening a liposome; and
- Group VI: Claim 37, drawn to a method of treating disease.

As required in response to this Action, **Applicant elects Group I, Claims 1-27**, without traverse.

The Examiner further required an election of various species. Specifically, the Examiner required an election of a single species of for each of the following compounds:

1. Lipid;
2. Steroid compound;
3. Encapsulated compound;
4. Hydrophilic compound; and
5. Starch compound.

For the lipid compound, Applicant elects the species distearoyl phosphatidylcholine.

Claims 1, 2, and 4-27 are believed to read thereon.

For the steroid compound; Applicant elects the species cholesterol. Claims 1-6 and 8-27 are believed to read thereon.

For the encapsulated compound; Applicant elects the species stroma-free hemoglobin.

Claims 1-27 are believed to read thereon.

For the hydrophilic compound, Applicant elects the species polyethylene glycol. Claims 1-27 are believed to read thereon.

For the starch compound, Applicant elects the species pentastarch. Claims 1-22 and 24-27 are believed to read thereon.

Claims 1, 2, 4-6, 8-27 are believed to read on all of these elected species.

Lastly, Applicant notes that the Examiner did not require an election of species for an anchoring component or an anionic lipid. So while an election is not presently required as to these species, should the Examiner later decide an election of these species is needed, Applicant elects distearoyl phosphatidylethanolamine as the anchoring component and dimyristoyl phosphatidylglycerol as the anionic lipid. Claims 1-27 are believed to read on the elected anchoring component distearoyl phosphatidylethanolamine. Claims 1-8, 10, and 12-27 are believed to read on the elected anionic lipid dimyristoyl phosphatidylglycerol. These species elections are made without traverse.

CONCLUSION

A credit card payment submitted via EFS Web in the amount of \$60.00, for the fee for a small entity under 37 C.F.R. § 1.17(a)(1) for a One-Month Extension of Time is enclosed. No further fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
NEEDLE & ROSENBERG, P.C.

/Christopher L. Curfman/

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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/Christopher L. Curfman/

December 13, 2007

Christopher L. Curfman

Date